



In The Matter of: **The Regulated Health Professions Act, S.M.2009, c. 15**

And in The Matter of: Gail Houghton, a member of the College of Registered Nurses of Manitoba

To: Gail Houghton, CRNM #141495

TAKE NOTICE that the Complaints Investigation Committee (the “Committee”) of the College of Registered Nurses of Manitoba resolves and hereby Censures you with respect to:

- On May 4, 2023, you accessed your own electronic health record to view test results and procedure results.
- On May 28, 2023, you accessed the electronic health record of an individual who was known to you.

On June 20, 2024 in accordance with section 102(1)(d) of *The Regulated Health Professions Act* (the “RHPA”), the Committee decided to Censure you as a record of its disapproval of the deficiencies in your conduct.

Censure creates a disciplinary record which may be considered in the future by the Committee or an Inquiry Committee when determining the action to be taken following an investigation or hearing.

I. The Relevant Facts Are:

- On January 7, 2023, you completed routine Personal Health Information Act (PHIA) re-training.
- On May 4, 2023, you accessed your own electronic health record to view test results and procedure results.
- On May 28, 2023, you accessed the electronic health record of an individual who was known to you.

- You were not involved in a therapeutic relationship with this individual, and you are not their power of attorney.
- You were suspended by your employer for 3 days and were required to re-take PHIA training.
- On September 16, 2023, you completed PHIA training.

II. Practice Directions and Code of Ethics

The Council approves practice directions which are written statements to enhance, explain, add or guide RNs with respect to matters described in the College of Registered Nurses General Regulations or any other matter relevant to registered nursing practice. Compliance with standards and practice directions are required; these expectations also serve as a legal reference to describe reasonable and prudent nursing practice.

It is the responsibility of all Registered Nurses or RNs in Manitoba to understand all practice expectations and be accountable to apply them to their own nursing practice, regardless of roles or practice settings.

Responsibility is the duty to satisfactorily complete your obligations. Accountability means being capable to explain why you did or did not meet these expectations.

The Practice Direction: Practice Expectations for RNs articulate the expectations that the public can have of a Registered Nurse in any practice setting, domain and/or role; they describe how a Registered Nurse is to practice, at a minimum. In addition, they serve as a legal reference to describe reasonable and prudent registered nursing practice.

The Committee is reasonably satisfied that the information before them supports that the following practice expectations apply in the circumstance.

Practice Direction: Practice Expectations for RNs

An asterisk* indicates a standard of practice from the College General Regulations Part 4.

Professional Practice

Registered nurses are accountable and responsible to demonstrate professional behaviours, attributes and values that uphold trust in the profession of registered nursing. As an RN, you must:

1. Demonstrate understanding of legislation governing registered nursing practice and your practice of registered nursing including but not limited to the Regulated Health Professions Act (RHPA), the College's General Regulations, Practice of Nursing Regulation, and any/all other applicable legislation (e.g. The Personal Health Information Act).
2. Promote a practice environment that supports responsibility, accountability, professional development, and respect for others by:

- c. Identifying issues which could have an injurious effect on clients or others.
- d. Participating in resolving professional practice issues that interfere with your ability to practice according to the College regulations, practice expectations, practice directions, Code of Ethics, and other provincial and federal legislation.

Competent Practice

Registered nurses are accountable and responsible to demonstrate competence in registered nursing practice. As an RN, you must:

3. Apply the entry-level competencies for registered nurses in your practice.
5. Demonstrate critical thinking and use of current evidence from nursing science, other disciplines and other pertinent peer-reviewed, evidence-informed sources.
7. Develop, maintain, and apply competence in technology use for healthcare, including judgement of risks/ benefits for the use of the technology to meet client health needs (e.g. distinguish when use of social media or telepractice breaches practice directions; determine when to and when not to access electronic health records).

Ethical Practice

Registered nurses recognize, promote, and uphold the ethical standards of the nursing profession. As an RN, you must:

14. Practise in accordance with the values outlined in the Code of Ethics.
15. Demonstrate accountability and responsibility in protecting personal health information.

Code of Ethics for Registered Nurses

Part I. Nursing Values and Ethical Responsibilities

Nurses in all contexts and domains of practice and at all levels of decision-making bear the ethical responsibilities identified under each of the seven primary nursing values. These responsibilities apply to nurses' interactions with all persons who have health-care needs or are receiving care as well as with students, colleagues and other health-care providers. The responsibilities are intended to guide nurses in applying the Code to their practice. They also serve to articulate nursing values to employers, other health-care providers and the public. Nurses help their colleagues implement the Code and they ensure that nursing students are acquainted with it.

D. Honouring Dignity

Nurses recognize and respect the intrinsic worth of each person.

Ethical responsibilities:

6. Nurses utilize practice standards, best practice guidelines, policies and research to minimize risk and maximize safety, well-being and/or dignity for persons receiving care.

E. Maintaining Privacy and Confidentiality

Nurses recognize the importance of privacy and confidentiality and safeguard personal, family and community information obtained in the context of a professional relationship.

Ethical responsibilities:

1. Nurses respect the interests of persons receiving care in the lawful collection, use, access and disclosure of personal information.
3. Nurses collect, use and disclose health information on a need-to-know basis with the highest degree of anonymity possible in the circumstances and in accordance with privacy laws.
7. Nurses respect policies that protect and preserve the privacy of persons receiving care, including security safeguards in information technology.
8. Nurses do not abuse their access to information by accessing health-care records, including those of a family member or any other person, for purposes inconsistent with their professional obligations. When using photo, video or other technology for assessment, diagnosis, planning, implementation and evaluation of persons receiving care, nurses obtain their consent and do not intrude into their privacy. They handle photos or videos with care to maintain the confidentiality of the persons involved, including colleagues and students.
11. In all areas of practice, nurses safeguard the impact new and emerging technologies can have on patient privacy and confidentiality, professional boundaries, and the professional image of individual nurses and the organizations in which they work (CNA, 2012). They are also sensitive to ethical conduct in their use of electronic records, ensuring accurate data entry and avoiding the falsification or alteration of documentation.

F. Promoting Justice

Nurses uphold principles of justice by safe guarding human rights, equity and fairness and by promoting the public good.

Ethical responsibilities:

6. Nurses make fair decisions about the allocation of resources under their control based on the needs of persons receiving care. They advocate for fair treatment and fair distribution of resources.

G. Being Accountable

Nurses are accountable for their actions and answerable for their practice.

Ethical responsibilities:

1. Nurses, as members of a self-regulating profession, practise according to the values and responsibilities in the Code and in keeping with the professional standards, laws and regulations supporting ethical practice.

III. On these facts of the Complaints Investigation Committee records its disapproval of the Registrant's conduct.

Privacy relates to the public's expectation and the right to dignity and respect. The public needs to be confident that their most personal information and basic dignity will be protected and safeguarded by the registered nurse.

Accessing your own health record and the health records of a romantic partner while engaged in registered nursing is a blatant disregard for your colleagues, your employer and the public and failure to recognize that you were placing yourself and your partner at risk.

Furthermore, as you accessed these health records while engaged in Registered Nursing practice, you failed to recognize that there was the potential to impact the care of patients. Fortunately, for all parties, you did not experience any negative outcome.

A reasonable and prudent registered nurse ought to have:

- Applied the information they obtained in the PHIA re-training and employer's policy and procedures to your registered nursing practice.
- Arranged an appointment with your primary care provider to obtain and discuss your STBBI test results.

On these facts, the Committee records its disapproval of the lack of professionalism in failing to adhere to the ethical values and standards of practice.

Nelda Godfrey and Nancy Crigger (2011) use the staircase model of professional development to address professional missteps that a nurse may make, in their career. The Committee's position is that this model understands your conduct to be the result of moral neglect. Moral neglect is a form of "wrong thinking" that happens in situations when nurses make wrong choices because they put their own desires, wants, or needs before the patient's needs. Your "wrong thinking" contributed to your "wrong decision making" which ultimately led to your "wrongdoing".

Registered nursing is a self-regulated profession governed by *The Regulated Health Professions Act (RHPA)*. RNs must recognize that self-regulation is a privilege. In accordance with the RHPA, registered nurses must comply with practice directions established for their profession. As such, registered nurses are required to comply with the practice directions: Practice Expectations for RNs and the Code of Ethics for Registered Nurses.

Although the conduct is sufficiently serious to refer to the Inquiry Committee, the Committee is mindful of the fact the Registrant does not have a disciplinary record.

The Censure will adequately protect the public's concern regarding the privacy of personal health information and the RNs as trustees of that information.

On these facts the Committee believes that the Censure should be published as it to act as a specific deterrence for you, the Registrant, and as a general deterrence for other Registered Nurses.

On these facts, the Committee ordered you to pay costs of \$1000.